

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

Application Approval

Water Division 1-F

This matter comes before the Director of the Department of Natural Resources (Department) pursuant Neb. Rev. Stat. § 46-242 (Reissue 2004) which requires any person intending to apply stored water to beneficial use to a make an application to the Department for a permit to make such an appropriation.

This is to certify that application A-18386 for a permit to divert water has been examined and meets the conditions for approval stated in Neb. Rev. Stat. § 46-235 (Reissue 2004). Following consultation with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. § 37-807 (Reissue 2004), the Department finds the project will not jeopardize threatened or endangered species or their habitat. Application A-18386 is hereby APPROVED subject to the following limitations, conditions and notice:

1. The source of water is the Little Nemaha River Reservoir No. 23 constructed under A-18025.
2. The water shall be used for irrigation purposes.
3. The priority date is March 24, 2006.
4. Map number 16746 shows the lands proposed for irrigation under this permit.
5. Construction of the diversion works must begin by March 21, 2007. The Applicant must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
6. Construction of the project must be completed by September 21, 2007.
7. This appropriation will be limited to the lands irrigated and the amount of water beneficially used on an annual basis by September 1, 2009. Such amount shall not exceed 0.5 acre-foot per annum.
8. The installation of a measuring device may be required.
9. Annual reports may be required as provided by Neb. Rev. Stat. §§ 46-261 (Reissue 2004) and 61-206 (Cum. Supp. 2004).
10. Use of water under A-18386 may be denied in order of priority when water supplies do not meet the demands of downstream appropriators.

11. Failure to comply with the provisions of this Approval may cause cancellation of part or all of this appropriation. If unable to meet the conditions of approval due to an unavoidable and natural cause, a petition for an extension of time may be filed with the Department. Petitions must be filed prior to the expiration date stated in the Approval and must be accompanied by a \$10 filing fee.

DEPARTMENT OF NATURAL RESOURCES

September 21, 2006

Ann Bleed, Acting Director

A copy of application number A-18386 and a copy of this Application Approval were mailed on September____, 2006, to Randy Kempkes, 14901 South 158th Road, Bennet, Nebraska 68317; and to the Nemaha Natural Resources District, 62161 Highway 136, Tecumseh, Nebraska 68450. A copy of this Approval was provided to the Department's field office, Lincoln, Nebraska.